

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-vs-

08-CR-281

JOSEPH TIGANO II,

Defendant.

Proceedings held before the
Honorable William M. Skretny, Robert H.
Jackson Courthouse, 2 Niagara Square,
Buffalo, New York, on May 21, 2014.

APPEARANCES:

THOMAS S. DUSZKIEWICZ,
Assistant United States Attorney,
Appearing for the United States.

MARIANNE MARIANO,
Assistant Federal Public Defender.
Appearing for Defendant.

AUDIO RECORDER: Jane Kellogg

TRANSCRIBER: Michelle L. McLaughlin, RPR,
Court Reporter,
(716)332-3560

(Proceedings recorded by electronic sound
recording, transcript produced by computer.)

1 THE CLERK: Criminal case 08-281S, United
2 States versus Joseph Tigano.

3 THE COURT: Miss Mariano.

4 MS. MARIANO: Good afternoon, Judge.

5 THE COURT: Good afternoon. How are you?

6 MS. MARIANO: Doing well.

7 THE COURT: Good.

8 MS. MARIANO: I'm waiving Mr. Tigano Sr.'s
9 appearance today if that's -- well, hopefully
10 that's all right with the Court. I didn't have him
11 come up.

12 THE COURT: How's he doing?

13 MS. MARIANO: He's doing pretty well. I
14 think I have all the medical records. There may be
15 one report outstanding, and it does not appear he's
16 undergoing the treatment I was worried about. I
17 would ask your Honor to set this for a further
18 status in 90 days for two reasons. His son, as you
19 know, is the co-defendant in this case, and his
20 matter is before Magistrate Judge Scott on a
21 competency issue. They did appear today, and
22 apparently Mr. Tigano Jr. is in transit still. For
23 whatever reason, they weren't able to bring him to
24 court for today's appearance, but they are on for
25 June 17th. At that point I think in 90 days, your

1 Honor, we'll know what's going to happen in Joe
2 Tigano Jr.'s case.

3 The reason that's important is because my
4 client is his father. As you know, he has some --
5 he's elderly. He has some limitations both in
6 terms of mental retardation and early onset
7 dementia. He gets very agitated at the idea of his
8 sentencing going prior to his son's trial. I think
9 in 90 days, Judge, your Honor will know how far out
10 Joe Tigano Jr.'s trial is and whether my request to
11 hold this sentencing in abeyance is reasonable. It
12 may not be. And I'm not making that request now.

13 I do think I could use the 90 days, Judge, to
14 review the medical reports I do have, and it would
15 also give me an opportunity to have Mr. Tigano come
16 up to work with me on sentencing issues.

17 THE COURT: I think we made some progress.
18 I mean, this is an '08 case. So what is that,
19 that's six years, right?

20 MS. MARIANO: Yeah.

21 THE COURT: All right. I'll give you the
22 90 days.

23 Mr. Duszkiewicz, there's no problem with that?

24 MR. DUSZKIEWICZ: No, Judge. This is a
25 sentencing matter. The plea was entered.

1 THE COURT: Yeah.

2 MR. DUSZKIEWICZ: And --

3 THE CLERK: So September 10th at 10:00.

4 Is that for sentencing?

5 THE COURT: No, status.

6 THE CLERK: Status, okay.

7 MS. MARIANO: Will Mr. Duszkievicz's trial
8 be done by then, Judge?

9 THE COURT: That's not a good question to
10 ask.

11 MS. MARIANO: Not funny, your Honor?

12 THE COURT: Not at all.

13 MS. MARIANO: Okay. Thank you.

14 THE COURT: You're welcome.

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CERTIFICATION

I certify that the foregoing is a
correct transcription, to the best of my
ability, from the electronic sound recording
of the proceedings in this matter.

s/Michelle L. McLaughlin
Michelle L. McLaughlin, RPR
Court Reporter